 Cairncross & Hempelmann, P.S.

November 19, 2003

VIA FACSIMILE

Hon. Terry L. Myers  
US Bankruptcy Court – District of Idaho  
U.S. Courthouse  
550 West Fort Street  
Boise, ID 83724

Re: **In re Frank L. Chapin, Case No: 02-20218**

Dear Judge Myers:

This letter is an emergency request for a continuance of tomorrow's final hearing on the Motion filed by Frederick Leaf. I apologize for this last minute request, but I would hope that you find the circumstances are such that a continuance is warranted.

The reasons for this request are as follows:

1. A preliminary offer has been provided to the Trustee that would be dispositive of most of the issues that are before the Court on the pending motion, and the Trustee has not had the opportunity to respond to the offer. This offer, if accepted, would be noted for approval before the Court, and notice would be provided to all parties in the case, including the Debtor. Due in part to this offer being made, the Trustee's attorney has consented to a continuance of the final hearing.
2. The Debtors do not consent to a continuance. Apart from their objection, the Debtors were not able to participate in pre-hearing discovery. They sent to the court their letter of November 10, 2004 indicating that they were unavailable for 5 of the 7 business days prior to the hearing. Due to other case demands, I could not take their BR 2004 exam on the two available days. If the Trustee is not prone to accepting the offer, then my client would need to take the Chapins' examination and would have to work with them on scheduling. As they are without counsel, I am trying to be as flexible as possible to accommodate their schedules.

### Law Offices

524 Second Avenue, Suite 500  
Seattle, Washington 98104-2323  
Phone: 206-587-0700 • Fax: 206-587-2308  
[www.cairncross.com](http://www.cairncross.com)

{00167777.JX C.1}  
 jirizard@earthlink.net  
 direct: (206) 254.4444

210

Hon. Terry L. Myers  
November 19, 2003  
Page 2

3. Counsel for the Van Schravendyk Estate has consented to the continuance. Counsel wanted an opportunity to file a responsive pleading if the final hearing was going to be conducted.

4. In anticipating that the Trustee's position would be of the most concern, and with his willingness to continue, I had assumed the Debtors would consent to a situation where the stay remains in place. I believe that were they represented by counsel, they would understand that continuation of the stay is in their best interests.

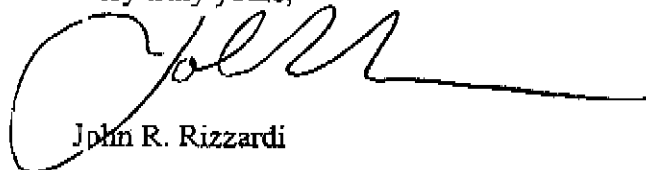
Dr. Leaf would respectfully point out that he consents to the stay remaining in place until such time as this Court has ruled at a final hearing. Thus, the Debtor is not prejudiced, there will be no action to affect the non-Debtor entities without an Order from this Court granting stay relief and the estate suffers less financial burden by avoiding the costs of the Trustee's attorney being required to attend to a hearing that may become unnecessary if the offer is accepted. Dr. Leaf would ask that the court schedule a new hearing date that accommodates the following:

1. Provides enough time for the Trustee to react to Dr. Leaf's offer;
2. Accommodates the undersigned's vacation schedule (December 23 through January 3, 2004); and
3. Accommodates the Debtors' business issues, as they have increased demands for year-end accounting services during the end of December.

The Chapins and I are available today for a telephonic hearing, should the court desire. I can be reached at (206) 254-4444 or (206) 619-5560 (mobile). The Chapins can be reached at: (208) 263-0591.

Thank you for your consideration of this request.

Very truly yours,



John R. Rizzardi

JRR:adb

cc: James Magnuson  
Christopher Varallo  
Frank and Sydney Chapin